

Mr. Daggett moved the House adjourn until 3 o'clock, P. M.; lost.

On motion of Mr. A. J. Hood, a call of the House was ordered and made, and the Sergeant at Arms dispatched for the absent members.

During his absence, several motions were made to suspend the call, and lost.

After some time, on motion of Mr. Scott, the call was suspended.

On further motion of Mr. Scott, the bill under consideration was postponed, and made the special order of the day for 11 o'clock, A. M., on Monday next.

On motion, the House then adjourned until 10 o'clock, A. M., Monday.

MONDAY, January 24, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bryan of C., Browder, Coles, Hardeman of C., Howard, Johnson, Lott, Mabry, Russell, Stapp, Stewart, Tarrant, Thomson, Titus and Wilson.

Journal of Saturday read and adopted.

On motion, Messrs. Titus and Lott were excused from attendance on the House on account of indisposition.

PETITIONS.

Mr. Rossy presented the petition of sundry citizens of Fisher and Miller's colony, praying relief; referred to the committee on Private Land Claims.

Mr. Bee presented the petition of Wm. H. Jones, praying relief; referred to the committee on the Land Office.

Mr. Bee presented the petition of James Hamilton, praying relief; referred to the committee on Public Debt.

Mr. Crockett presented the petition of sundry citizens of Dallas county, praying the incorporation of the town of Dallas; referred to the committee on Privileges and Elections.

Mr. Crockett presented the petition of sundry citizens of Dallas county, praying privilege to levy a special tax.

Mr. Neighbors presented the petition of Thomas W. Grayson, praying relief; referred to the committee on Public Debt.

Mr. Bryan of Brazoria presented the petition of Peter Mc-

Greal, praying relief; referred to the committee on Claims and Accounts. The petitions of Robert Hodges and the petition of Mrs. Chase, praying relief; referred to the committee on Public Debt.

Mr. Andrews presented the petitions of William Spavin, Charles Tydings, P. C. H. Lemon, James A. Bradford, P. J. Mahan, Hiram Barlow, Alexander Thompson, James H. Denson, G. C. Frailey and Mary Jeffries, praying relief; referred to the committee on Private Land Claims.

Mr. Cannon presented the petition of Enoch Fiveash, praying relief; referred to the committee on Private Land Claims, No. 2.

Mr. Evans of Bexar presented the memorial of the German Emigration Company, and the creditors thereof, praying relief; referred to the Select committee on Fisher and Miller's Colony.

Mr. Camp presented the petition of sundry citizens of Upshur county, praying the passage of a law providing for the payment of witnesses, sheriffs, etc., in State cases; referred to the Judiciary committee.

Mr. Throckmorton presented the petition of the County Court of Denton county, praying the passage of a law for the better convenience of certain citizens, for judicial purposes; referred to the committee on the Land Office.

REPORTS OF COMMITTEES.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Education, to whom was referred an act to incorporate and establish St. Paul's College, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House and recommend its passage, with the following amendment:

Strike out the 16th section.

All of which is respectfully submitted.

WM. C. EDWARDS, Chairman.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Debt, to whom was referred the petition of Collin McKinney, have considered the same, and

instruct me to return the said petition and recommend that it be laid on the table.

J. W. SCOTT, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Debt, to whom was referred the petition of H. E. McCulloch, Agent, etc., have instructed me to return the same, and ask to be discharged from its further consideration.

J. W. SCOTT, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Debt, have duly considered the petition of Robert Hunter, Attorney for A. O. Smith.

The petitioner alleges that the Auditor and Comptroller have, in settling the value of certain promissory notes, owned by A. O. Smith, underrated their value, from a neglect on the part of said Smith to furnish evidence of their actual value, or the rate at which they received them from the late Republic of Texas.

The Auditorial Board assessed the price of all issues of promissory notes at the current rate at the time of their issuance, and the action of that Board has received the sanction of the Legislature. Your committee do not deem it necessary to discuss the justice of that decision, inasmuch as it has received the sanction of the Legislature now in session; nor do they deem it politic or proper to legislate on the subject; they therefore return the petition and ask leave to be discharged from its further consideration.

J. W. SCOTT, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Debt have had under consideration the petition of E. O. Mayhew & Co., asking the payment of the bonds of the late Republic of Texas, issued to Frederick Dawson for purchase of the Navy, and which bonds they now

hold for the benefit of themselves and others, and instructed me to report against the prayer of the petitioner; they return the petition, and ask to be discharged from its further consideration.

J. W. SCOTT, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Debt have had under consideration the petition of Leander Westcott, administrator of the estate of Lewis Wells, deceased, praying that interest be allowed him on a Second Class Certificate of Public Debt, and instruct me to report against the prayer of petitioner, and ask to be discharged from its further consideration.

J. W. SCOTT, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Debt, to whom was referred the bill entitled an act, explanatory of an act for the relief of certain persons, formerly prisoners in Mexico, approved February 9, 1850, have considered the same, and return the bill and recommend its passage.

J. W. SCOTT, Chairman.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Debt, to whom was referred the petitions of M. Ziller, Jose M. Flores, Wm. B. Jaques, James B. Cassidy, Charlotte Allen, C. Frantz, Samuel T. Taylor, Jas. B. Morlin, Dwight & Trowbridge, J. P. Pritchard, Samuel Johnson, Robert Sloan and Samuel Barton, have duly considered the same, and instruct me to report that it is not deemed expedient to legislate upon specific cases of relief, as such legislation must be partial in its effects.

Your committee are also aware that there are many similar cases all over the country, which can be better reached by a general bill.

They have, therefore, instructed me to return the petitions, and ask to be discharged from their further consideration.

J. W. SCOTT, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Public Lands, to whom was referred the petition of A. E. Osborn, have duly considered the same, and can see no reason why the prayer of the petitioner should be granted, and have instructed me to report the same back to the House and ask to be discharged from its further consideration.

WM. F. EVANS, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 24, 1854.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred a bill for the relief of C. H. Buckner, have considered the same, and have come to the conclusion that the relief sought for should be granted.

The Commissioners, in issuing the certificates, No. 1078, and 1,079, put down the designated sections in Harvey's ditriect, No. 2, whereas, they should have been "Giddings' district, No. 3;" Harvey's district containing no such surveys. The committee have, therefore, instructed me to report the bill back to the House and recommend its passage.

WM. F. EVANS, Chairman.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on County Boundaries, to whom was referred the petition of sundry citizens of Navarro county, praying for a new county, have had the same under consideration, and beg leave to report the accompanying bill and recommend its passage.

J. M. CROCKETT, Chairman.

On motion of Mr. Crockett, the rule regulating the general order of business was suspended, the bill read second time and ordered to be engrossed.

On motion, the rule was further suspended, bill read third time and passed.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee, to whom was referred a bill to be entitled an act to amend an act to create the county of Hidalgo, have had the same under consideration, and find that a necessity really exists for said amendment; they, therefore, beg leave to report the same back to the House, and recommend its passage.

J. M. CROCKETT, Chairman.

Report received to come up in its order.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined an act to limit the Boards of Land Commissioners, and more clearly to define their duties, and find the same correctly engrossed.

B. B. CANNON, One of the committee.

Report accepted.

BILLS AND RESOLUTIONS.

Mr. Hartley introduced a bill to regulate railroad companies; read first time.

On motion of Mr. Hartley, the rule was suspended, bill read second time, and referred to the committee on Internal Improvements.

Mr. Scott offered the following resolution, which was rejected:

Resolved, That the use of the House be allowed to Miss Reynolds on Tuesday evening, 25th instant, for the purpose of giving a concert.

Mr. Hood introduced a bill to incorporate the Marshall railroad company; read first time; and,

On motion of Mr. A. J. Hood, the rule was suspended, bill read second time, and referred to the committee on Internal Improvements.

Mr. Neighbors introduced a bill to define the divisional line between Bexar and Milam Land Districts; read first time.

Mr. Neighbors introduced a bill authorizing district surveyors to appoint deputies; read first time.

Mr. Daggett introduced a bill to establish the New Orleans, Texas and Pacific railroad company; read first time.

On motion, rule suspended, bill read second time, and referred to the committee on Internal Improvements.

A message was received from the Senate, informing the House that the Senate had passed a bill concerning lands in Austin's second colony, and the colony of Austin and Williams, with an amendment.

The Speaker now announced that the hour had arrived for the consideration of a bill making an appropriation to defray the expenses of the volunteers, called into the service of the State for the protection of the frontier, it having been set apart for this hour.

Mr. Pollock offered a substitute for the bill, which, on motion of Mr. Stapp, was laid on the table.

When, on motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A bill making an appropriation to defray the expenses of the volunteers called into the service of the State for the protection of the frontier, not having been disposed of when the House adjourned, again came up for consideration.

The question pending being the engrossment of the bill.

The yeas and nays being taken thereon, stood as follows:

YEAS—Messrs. Speaker, Andrews, Bee, Bryan of B., Bryan of C., Browder, Camp, Crockett, Dunlap, Evans of B., Evans of A., Evans of P., Fields, Hamilton, Hartley, Hord, Lane, Mabry, Maverick, McFarland, Neal, Neighbors, Palmer, Reid, Rossy, Tankersly, Tarver, Taylor of F., Taylor of H., Thomson, Throckmorton, Turner and White—33.

NAYS—Messrs. Cannon, Charlton, Coles, Crabb, Daggett, Doom, Edwards, Flanagan, Hardeman of N., A. J. Hood, Hooker, Johnson, Jowers, Lawson, Patrick, Pollock, Rains, Randolph, Rowe, Runnells, Sims, Speights, Wilson and Wren—24.

So the bill was ordered to be engrossed.

COMMITTEE ROOM, January 24, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill to create the county of Hill, and find it correctly engrossed.

A. J. HOOD, Chairman.

Report accepted.

A bill to incorporate the city of Brownsville, with the report of the committee on the Judiciary, recommending its passage;

When Mr. Hord proposed the following amendment:

In section 7, strike out all relating to the salaries of Treasurer, Assessor and Collector, Secretary and city Attorney, and insert: "The Treasurer shall be entitled to receive, and may retain per cent. of all monies that may come into his hands by virtue of his office.

The Assessor and Collector shall be entitled to receive, and may retain in his hands, per cent. on all monies that may come into his hands.

The Secretary shall be entitled to charge and receive the same fees as those allowed by law to County Clerks for similar services, and the Council shall be allowed to expend any sum, not exceeding two hundred dollars, for Attorney's fees."

Section 4. Add, "It shall be the duty of the Marshal to attend upon the Council, and execute all process to him lawfully made by the Mayor; and generally to do and perform such duties as are performed by Constables in Courts of Justice of the Peace."

Section 5. Strike out from "to make," in 25th line, down to "corporation," in 26th line; amendments adopted.

Mr. Dunlap then proposed the following amendment:

Amend section 9, by adding, "after the division of said city into wards, the election of officers under this act shall be held in the said several wards. The City Council shall appoint the presiding officers. The election shall be conducted in conformity with the law regulating elections. The returns shall be made to the City Council within three days after such election. The City Council shall thereupon open the said returns, examine the same and give certificates of election to those found duly elected."

Which amendment was adopted, and bill as amended ordered to be engrossed.

A joint resolution to amend the State constitution; read second time;

The yeas and nays were taken upon its engrossment, and stood as follows:

YEAS—Messrs. Speaker, Andrews, Bryan of B., Bryan of C., Crabb, Daggett, Doom, Dunlap, Fields, Flanagan, Hamilton, Hartley, A. J. Hood, Hord, Johnson, Jowers, Lawson, Maverick, McDade, Palmer, Randolph, Sims, Speights, Stapp, Tarrant, Tarver, Taylor of F., Throckmorton, Turner, White and Wren—31.

NAYS—Messrs. Bee, Camp, Cannon, Charlton, Coles, Crockett, Edwards, Evans of B., Evans of P., Hardeman of N., Hooker, Lane, Mabry, McFarland, Neal, Patrick, Pollock,

Rains, Reid, Rossy, Rowe, Runnels, Tankersly, Taylor of H., Thomson and Wilson—26.

So the resolution was ordered to be engrossed.

A joint resolution relating to the pay of volunteers, with the report of the committee on Military Affairs, recommending its passage; read,

When Mr. Cannon proposed the following amendment:

"Section 1. Be it resolved by the Legislature of the State of Texas;" amendment adopted.

Mr. Taylor of Fannin proposed the following amendment, which was afterwards withdrawn.

"Be it further resolved, That the Governor be requested to cause said companies to be discharged as soon as practicable."

Mr. White then proposed the following amendment:

Strike out all after the word "merit" in the preamble.

Mr. Tarver proposed the following as a substitute for Mr. White's amendment, which was accepted by Mr. White, and adopted.

[Amendment not in manuscript Journals.]

The question then being the engrossment of the joint resolution as amended;

On motion of Mr. Randolph, a call of the House was ordered, and made.

After which, on motion of Mr. Throckmorton, the call was suspended, and the yeas and nays taken on the engrossment of the joint resolution, which stood thus:

YEAS—Messrs. Speaker, Bee, Bryan of B., Bryan of C., Browder, Camp, Coles, Crockett, Dunlap, Evans of A., Evans of P., Fields, Hamilton, Hartley, Hord, Lane, Mabry, Maverick, McDade, McFarland, Neal, Palmer, Patrick, Reid, Rossy, Stapp, Tankersly, Tarrant, Tarver, Taylor of H., Thomson, Throckmorton, Turner and White—34.

NAYS—Messrs. Cannon, Charlton, Crabb, Daggett, Flanagan, Hardeman of N., A. J. Hood, Hooker, Johnson, Jowers, Lawson, Pollock, Rains, Randolph, Rowe, Runnels, Sims, Taylor of F., Wilson and Wren—20.

So the joint resolutions were ordered to be engrossed.

On motion of Mr. Throckmorton, a bill to incorporate the Memphis and El Paso and Pacific railroad company, was taken from the table out of its regular order; read second time, and referred to the committee on Internal Improvements.

A bill for the relief of citizens of Van Zandt county, with

the report of the committee on the Judiciary, recommending its passage; read, and ordered to be engrossed.

Mr. Browder, by leave, introduced a bill to amend an act, entitled an act, authorizing the county court of El Paso county to appoint the place of holding the district courts in said county, and defining the time of holding the district courts in the eleventh judicial district, approved December 24, 1851; read first time.

On motion, the rule was suspended, bill read second time, and referred to the Judiciary committee.

A bill to incorporate the Mount Enterprise Male and Female Academy, with the report of the committee on education, recommending its passage; read, and ordered to be engrossed.

On motion of Mr. Flanagan, the rule was suspended, bill read third time, and passed by a constitutional majority, yeas 45, nays 3.

On motion of Mr. Tankersly, a bill to regulate the proceedings and practice of the district courts of this State, was taken up out of its order; read second time and referred to the Judiciary committee.

A bill to establish the thirteenth judicial district, with the report of the Judiciary committee proposing a substitute therefor; substitute read and adopted, and bill ordered to be engrossed as substitute.

On motion of Mr. Tarver, the rule was suspended, bill read third time and passed.

Mr. Hood, on leave granted, introduced a bill for the relief of John Dewberry; read first time.

On motion of Mr. Hood, the rule was suspended, bill read second time, and referred to the committee on Private Land Claims, No. 2.

Mr. A. J. Hood, on leave granted, introduced a bill authorizing the Commissioner of the General Landoffice to issue to the legal assignee of Omy Weir, a land certificate for 320 acres of land; read first time.

On motion, rule suspended, bill read second time, and referred to the committee on Private Land Claims, No. 2.

Mr. Doom, on leave granted, introduced a bill to amend the 12th section of an act concerning proceedings in the district courts, approved May 16, 1848; read first time.

On motion, rule suspended, bill read third time, and referred to the Judiciary committee.

A bill concerning security for costs, with the report of the Judiciary committee, recommending its rejection.

Bill and report, on motion, laid upon the table.

A bill for the relief of John Sise, and others therein named, with the report of the committee on Private Land Claims, No. 2, recommending its passage; read, and ordered to be engrossed.

A bill to incorporate the Alma Institute, with the report of the committee on Education, recommending its passage; read, and ordered to be engrossed.

A bill to incorporate Concord University of Rusk county, with the report of the committee on Education, recommending its passage; read, and ordered to be engrossed.

The report of the committee on Finance upon the petition of Rupert and Lindenberg, recommending that it be referred to the committee on Public Debt; read, and adopted.

Mr. Scott offered the following resolution:

Resolved, That in taking up the orders of the day, preference shall be given by the Speaker to bills of a general character; read first time.

Mr. Scott moved a suspension of the rule, in order that the resolution might be adopted; lost.

A bill making an appropriation for the per diem pay, and mileage of the members and officers of the second session of the fourth Legislature, with the report of the committee on Finance, proposing a substitute therefor; read, when,

Mr. Jowers moved to lay the bill and substitute upon the table; motion lost.

On motion of Mr. Browder, a call of the House was ordered.

After which, on motion of Mr. Daggett, the call was suspended.

The substitute proposed by the committee on Finance was then adopted.

After which, the yeas and nays were taken on the engrossment of the bill as substituted, and stood thus:

YEAS—Messrs. Speaker, Andrews, Bryan of B., Camp, Cannon, Coles, Crabb, Crockett, Doom, Dunlap, Edwards, Evans of A., Evans of P., Fields, Hartley, Hardeman of N., A. J. Hood, Hooker, Johnson, Lawson, Mabry, Patrick, Reid, Rossey, Runnels, Sims, Speights, Stapp, Tankersly, Turner and Wilson—31.

NAYS—Messrs. Bee, Charlton, Daggett, Evans of B., Flanagan, Hamilton, Hord, Jowers, Maverick, McDade, McFarland, Neal, Palmer, Pollock, Randolph, Scott, Tarver, Taylor of F., Taylor of H., Thomson and Throckmorton—21.

So the bill was ordered to be engrossed.

Mr. Charlton moved the House adjourn until 10 o'clock, A. M., to-morrow; lost.

On motion of Mr. Scott, Senate's bill to amend an act to incorporate the Buffalo Bayou, Brazos and Colorado railway company, was taken up and read first time.

On motion of Mr. Palmer, the rule was suspended, and the bill read second time;

When Mr. Hartley proposed the following amendment:

Sec. "This company shall be subject to any general law which may hereafter be enacted, upon the subject of railroad companies;" amendment adopted, and bill as amended, passed to a third reading.

On motion of Mr. Hartley, the rule was further suspended, bill read third time and passed by a constitutional majority; yeas 49, nays 2.

Mr. Charlton moved to adjourn until 10 o'clock, A. M., to-morrow; lost.

When, on motion of Mr. Hardeman of N., the House adjourned until half-past 9 o'clock, A. M., to-morrow.

TUESDAY, January 25th, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Bryan of C., Edwards, Hardeman of C Hooker, Hord, Howard, Johnson, Neighbors, Palmer, Pollock, Reid, Russell, Stapp, Stewart, Taylor of H., Turner, Wilson and Wren.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Randolph presented the petition of Thomas G. Box, praying relief; referred to the committee on Private Land Claims, No. 2.

Mr. Mabry presented the petition of the corporation and citizens of the town of Bastrop, praying the grant of a new charter; referred to the committee on County Boundaries.

Mr. Fields presented the petition of William M. Spaulding, praying relief; referred to the committee on Internal Improvements.

REPORTS OF COMMITTEES.

COMMITTEE ROOM, January 25, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The Finance committee have instructed me to report the bill relating to the fiscal affairs of the late Republic of Texas, as a